IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 14238 of 1997

DATED: 26.12.2005

Between:

Gangaram petitioner

And

The Regional Manager,

APSRTC, City Region, Hyderabad & others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETTION NO. 14238 OF 1997

ORAL ORDER:

The present writ petition is filed seeking a writ of mandamus directing the respondents to fix the basic pay of the petitioner in the scale of pay of Rs.1705/- from 12.4.1993 to 11.11.1994 and pay the same.

The petitioner, a conductor in the respondent corporation was suspended vide proceedings dated 27.7.1992 on the charge of failure to collect the fare and issue ticket to a passenger and for shortage of cash. The petitioner submitted his explanation and having not satisfied with the same, an enquiry was ordered. The enquiry was concluded holding the petitioner guilty of the charges alleged against him. Based on the enquiry report the petitioner was issued with a show caution notice dated 24.10.1992 for removal from service and since he has not offered any explanation he was removed from service vide orders dated 13.11.1992. Questioning the said order, petitioner preferred an appeal. The Appellate Authority disposed of the appeal by orders dated 31.3.1993 while upholding the punishment of removal as proper, on humanitarian grounds reinstated the petitioner by reducing his scale and fixing the same in the scale of pay at Rs.1125-1935. The appellate authority further held that he would earn his increment from the date of reporting for duty and the period of removal shall be treated as “not on duty” for all purposes. The review petition preferred by the petitioner was rejected by order dated 22.12.1994. Hence, the present writ petition.

The learned counsel for petitioner contended that the Appellate Authority failed to take into consideration the unblemished service of petitioner and erred in re-fixing the scale of the petitioner in a lower scale and sought for an interference of this Court.

Per contra, learned Standing Counsel for respondent corporation submitted that the charges alleged against the petitioner were held proved in the enquiry and the Appellate Authority only on humanitarian grounds reinstated the petitioner into service. It is thus prayed that no interference is warranted by this Court.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent corporation and perused the material available on record.

It is to be seen that there are only six passengers in the bus while the check was conducted and the charge of failure to issue ticket to one passenger was held proved in the enquiry and the petitioner was found guilty of the said charge and the petitioner did not challenge the findings of the enquiry. The Appellate Authority while holding the punishment in order, on humanitarian grounds and having regard to clean record of service reinstated the petitioner into service by reducing his scale of pay, which cannot be said to be illegal. It is well settled that unless and until there is grave irregularity conducted or there is non consideration of the matter by the authorities concerned while imposing the punishment or the penalty imposed is disproportionate to the charges alleged and shocking the conscious of the Court, this Court cannot interfere with the punishment imposed. The case on hand is not of such a kind in as much as the charges alleged against the petitioner were held proved in the enquiry and were

upheld by the Appellate Authority and the punishment of removal was reduced and petitioner was ordered to be reinstated and fixed in a lower scale of pay. Hence, the impugned order cannot be said to be illegal warranting interference of this Court.

For the foregoing reasons, the writ petition fails and the same is accordingly dismissed. No costs.

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N.V.RAMANA,J

DATED: 26.12.2005

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